

Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BECKSON MARINE, INC., a Connecticut
corporation; CAROLE A. BECKERER,
ELOISE BRADY and JOAN A. JONES,
Custodians,

Plaintiffs,

v.

NFM, INC., a Washington corporation,

Defendant.

Cause No. C98-05531 FDB

**JOINT REQUEST FOR STAY PENDING
REEXAMINATION OF PATENT-IN-
SUIT AND ORDER**

**Noted for Consideration:
Upon Receipt**

JOINT REQUEST FOR STAY PENDING REEXAMINATION

The parties jointly request that this action be stayed pending reexamination. The basis for this request arises from the denial by the United States Patent and Trademark Office of the motion filed by Beckson Marine, Inc. to dismiss the reexamination proceeding filed by NFM, Inc. of U.S. Patent No. 4,363,350, the patent-in-suit, in light of the Davis reference, U.S. Patent 304,183. Please see Exhibit A attached hereto.

When a petition for reexamination is filed, the USPTO must decide within three months whether or not there is a substantial question of patentability. 35 U.S.C. § 303(a). If a substantial question of patentability is found, the patent will be reexamined, and the patent owner will have a chance to respond. 35 U.S.C. § 304.

1 As reexamination of the '350 is now indeed proceeding with expedition, the parties
2 believe that it is in the best interest of justice and the use of judicial resources to stay the trial of
3 the damage issue until the reexamination of the '350 patent is completed by the Patent Office.

4 The parties further respectfully request prompt action by the Court on this request as the
5 pretrial stage of the damage phase of this matter requires significant work by both counsel and
6 the Court. The pretrial order is to be lodged on March 16, 2006 and the Pretrial Conference is
7 set for March 24, 2006.

8 Respectfully Submitted: March 9, 2006.

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16 ORDER

17 So Ordered.

18 Dated this 9th of March, 2006



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE